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SUBJECT: PARAGUAY: EIGHTH ANNUAL TRAFFICKING IN PERSONS
REPORT

REF: STATE 02731

11. (SBU) This cable responds to reftel questions regarding anti-trafficking in persons efforts in Paraguay.

12. (SBU) Paraguay's activities to eliminate trafficking in persons (TIP) are as follows:

1A. Is Paraguay a country of origin, transit, and destination for internationally trafficked men, women, or children?

Paraguay is a country of origin and transit for women and children who are internationally trafficked from Paraguay for sexual exploitation and forced labor. Paraguay is not an international destination for internationally trafficked women and children, although the domestic trafficking of women and children is common. Few Paraguayan men are internationally trafficked.

Most trafficking victims transit Paraguay through Asuncion, Encarnacion, or Ciudad del Este via the Tri-Border Area of Argentina, Brazil, and Paraguay. The border crossing between Encarnacion and Posadas, Argentina is also a major trafficking corridor. Most victims are trafficked to Argentina and Spain; smaller numbers of victims went to Brazil, Italy, and Bolivia. Foz do Iguacu, Brazil and Buenos Aires, Cordoba, Corrientes, Entre Rios, Posadas, and Puerto Iguazu, Argentina are major trafficking transit points and destinations.

1B. General overview of the trafficking situation in Paraguay and changes since the last TIP report.

The International Labor Organization (ILO), International Organization for Migration (IOM), United Nations Children's Fund (UNICEF), and several NGOs have studied Paraguay's trafficking situation and published reports related to sexual exploitation and forced labor in Paraguay. Information remains scarce on the extent of the problem, particularly with regard to international trafficking. The government neither gathers nor publishes statistics related to human trafficking. However, anecdotal evidence suggests that each year several hundred women, children, adolescents (mostly girls), and trans-gendered prostitutes (taxi boys), are trafficked internationally. The NGO Center for Attention, Prevention, and Surveillance of Boys, Girls, and Adolescents (CEAPRA), which operates a children's shelter in Ciudad del Este, estimated in February 2008 that up to 20 victims are trafficked each day to Brazil and Argentina via the

Friendship Bridge in the Tri-Border Area. Most victims live in the rural eastern interior of the country, particularly in the departments of Alto Parana, Canindeyu, Caaguazu, and Itapua. Studies show that most victims worked as street vendors when traffickers targeted them and that 70 percent of victims had drug addictions.

Initial contact between traffickers and victims is typically made by women, who ask potential victims whether they would be interested in working overseas in the retail industry. In some cases, parents are fully aware that their children plan to work in other cities or countries but are unaware of the potentially exploitative conditions. Victims who accept traffickers' offers are referred to handlers who facilitate travel and issue false travel documents to them. Once they arrive at their destination, victims are typically forced to surrender their travel documents and are unwillingly subjected to sexual exploitation in brothels or night clubs or forced into domestic servitude.

Most traffickers work in organized criminal syndicates based in Argentina and Brazil with operations in Paraguay, particularly Asuncion, Ciudad del Este, and Encarnacion. The trafficking of women and children for sexual exploitation is a high-profit, low-risk activity for traffickers who travel covertly at non-recognized or unmonitored border crossing points. Many crime syndicates are also involved in trafficking narcotics, weapons, and contraband. The destination of illicit funds is unclear, as is the purpose of such transfers; however, recent press reports indicate that over USD one million leaves Paraguay daily as a result of customs evasion and international trafficking.

Prosecutors are investigating 30 TIP cases on behalf of 71 victims, including 61 women and 10 adolescent girls. The

Public Ministry prosecuted 26 total trafficking cases filed during 2005-07 on behalf of 66 women, including nine minors. There were 34 persons in prison on trafficking-related offenses; 11 of these individuals had been convicted of trafficking and associated crimes, 23 were charged with these crimes, and five were in restrictive custody. Others remained fugitives. The Secretariat of Development for the Repatriated and Conational Refugees (SEDERREC), the agency charged with repatriating Paraguayan victims of international trafficking, has 60 repatriation cases pending. The Women's Secretariat of the Presidency of the Republic (SMPR) accepted

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12 new cases on behalf of 18 women in 2007. The Children and Adolescents' Secretariat (SNNA) accepted eight new cases in 2007.

1C. Which government agencies are involved in anti-trafficking efforts and which agency, if any, has the lead?

The Public Ministry is the lead agency involved in investigating and prosecuting traffickers. The Attorney General's office of the Public Ministry has one prosecutor dedicated full time to prosecuting trafficking cases, although other prosecutors in Greater Asuncion, Ciudad del Este, and Encarnacion also investigate TIP cases. The Foreign Ministry, SEDERREC, SMPR, and SNNA work closely with the Public Ministry to combat TIP. The Interior Ministry, which oversees the National Police, and Immigration assist the Public Ministry with TIP investigations and arrests.

The government coordinates anti-TIP efforts through the Inter-Institutional Roundtable for the Prevention and Combat of Trafficking in Persons. The roundtable includes representatives from the following government agencies: Foreign Ministry; Public Ministry; Ministry of Education and Culture; Ministry of Industry and Commerce; SMPR; SNNA; SEDERREC; National Tourism Secretariat; Social Action Secretariat; Directorate General of Statistics, Surveys, and

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Censuses; Directorate General of Migration; National Police, Interpol, and Crime Identification and Investigation; Itaipu Binational Authority; Public Defender's office; and the Municipality of Asuncion.

International organizations that participate in the roundtable include: IOM; ILO; Inter-American Development Bank (IDB); UNICEF; and United Nations Population Fund (FNUAP). Representatives from foreign governments, including the United States, European Union, Spain, Argentina, and Brazil, also participate in the roundtable as observers.

NGOs that participate in the roundtable include: Amnesty International Paraguay; Aprevim Paraguay; BASE IS; Business Bureau of Consultants and Advisors (BECA); Paraguay Human Rights Coordinator (CODEHUPY); Children and Adolescents' Rights (CDIA); Women's Forum of Mercosur; Center for Integral Assistance (CEDAI) Foundation; Arco Iris Foundation; Paraguayan Foundation of the Catholic Commission of International Migrations; Marco Aguayo Foundation for the Fight Against AIDS/HIV; Global Infancia; Grupo Luna Nueva; Institute of Comparative Social and Penal Science Studies (INECIP); and Soroptimist International.

1D. What are the limitations on the government's ability to address this problem in practice?

The government's ability to address this problem in practice is limited by insufficient financial and technical resources.

The government focuses its efforts on prosecuting traffickers and providing victims' assistance. It devotes virtually no resources to locating trafficking victims or screening vulnerable population groups to identify potential victims. In areas where funding is available, government agencies involved in fighting TIP have had to make difficult choices. Many anti-TIP officials do not have computers, and officials do not have official vehicles in which to transport victims. The primary TIP prosecutor lacks adequate staff to manage the 30 pending cases. Victims typically receive limited government assistance, including follow-up after repatriation.

1E. To what extent does the government systematically monitor its anti-trafficking efforts?

Although it has made progress in monitoring anti-TIP efforts,

the government's ability to monitor TIP is limited by resource constraints. The Foreign Ministry publishes an annual report summarizing its anti-TIP accomplishments and a list of ongoing TIP projects. In addition, the Public Ministry, with USG support, launched the first nationwide Trafficking in Persons database in December 2007 to help manage trafficking cases. The Foreign Ministry and SNNA received database access in January 2008; the SMPR and SEDERREC are scheduled to receive access by mid-2008.

13. (SBU) Paraguay's activities to investigate and prosecute traffickers are as follows:

1A. Does Paraguay have a law specifically prohibiting trafficking in persons for sexual and non-sexual purposes?

President Nicanor Duarte Frutos approved a new Penal Code (3440/07) on January 11, 2008. The new Penal Code's statutes, include its TIP statute, will go into effect on March 1, 2009, replacing the 1997 Penal Code. Paraguay has several laws specifically prohibiting trafficking in persons for sexual and non-sexual purposes, including the 1997 Penal Code (1160/97), the 2001 Children and Adolescents Law (1680/01), the 1997 Adoptions Law, and the 2000 Domestic Violence Law (1600/00). The 2001 Children and Adolescents Law contains provisions that prosecutors could use against traffickers, including: Children's rights against exploitation (article 25), and prohibitions against the use of children in commercial sexual activities (article 31). The 1997 Adoptions Law (1035/97) contains provisions that

protect children against violence and exploitation. The 2000 Domestic Violence Law contains provisions to protect women and children from physical violence and violence associated with TIP. These will remain in effect once the new Penal Code goes into effect.

The TIP statute of the 2008 Penal Code contains articles that punish those guilty of trafficking in persons for sexual and labor purposes. The code also aligns Paraguayan law with the international conventions it has ratified, including: ILO Convention 182 concerning the elimination of the worst forms of child labor; ILO Convention 29 and 105 on forced and compulsory labor; the optional protocol to the Convention on the Rights of the Child (CRC) on the sale of children, child prostitution, and child pornography; and the Protocol to Prevent, Suppress and Punish Trafficking in Persons.

The 1997 Penal Code's TIP statute in effect until February 28, 2009 includes articles on trafficking in person for sexual purposes (129b) and trafficking in persons with personal and labor exploitation purposes (129c). The statute prescribes up to eight years' imprisonment for international trafficking for the purpose of prostitution, sexual exploitation, intent to commit personal sexual acts, slavery, forced servitude, or subjecting victims to inferior working conditions.

1B. What are the prescribed penalties for trafficking people for sexual exploitation?

The 2008 Penal Code stipulates prison sentences of up to 12 years in cases where the victim is a minor under the age of 18 years of age or subjected to excessive violence. The statute prescribes eight years' imprisonment for individuals involved in human trafficking syndicates, regardless of victims' consent.

1C. Punishment of Labor Trafficking Offenses.

The punishment for labor trafficking is identical to penalties for sexual exploitation under the 1997 and 2008 penal codes.

1D. What are the prescribed penalties for rape or forcible sexual assault?

The 2008 Penal Code prescribes penalties up to ten years' imprisonment for rape or forcible sexual assault. If the victim is a minor under the age of 18, the sentences range from three to 15 years. The penalties for this violation are similar to maximum trafficking sentences. The 1997 Penal Code still in effect prescribes up to eight years' imprisonment for rape or forcible sexual assault.

1E. Is prostitution legalized or decriminalized?

Prostitution is legal for those over the age of 18 and is regulated by local government.

1F. Has the government prosecuted any cases against human trafficking offenders?

The government has convicted 11 offenders of human trafficking since 2005. Prosecutors are investigating 30 TIP cases for 61 women and ten children, opening nine new cases in 2005, 12 in 2006, eight in 2007, and one in the first quarter of 2008.

1G. Does the government provide any specialized training for government officials in how to recognize, investigate, and prosecute instances of trafficking?

The government does not provide specialized training for government officials on how to recognize, investigate, and prosecute trafficking. Financial assistance from the USG enabled the Public Ministry to publish and distribute a human trafficking intervention manual written by its lead TIP prosecutor in 2006 as a resource for government officials.

Police officers and prosecutors use basic, reactive investigative techniques; they do not use advanced investigative techniques such as electronic surveillance and undercover operations. There are no laws that permit the police to engage in covert operations to combat TIP.

¶H. Does the government cooperate with other governments in the investigation and prosecution of trafficking cases?

The government cooperates with other governments and Interpol in the investigation and prosecution of trafficking cases. The Foreign Ministry (including Paraguayan embassies and consulates), Public Ministry, National Police and SEDERREC work closely with Argentine, Brazilian, and Spanish authorities in investigating and prosecuting trafficking cases and repatriating trafficking victims.

¶I. Does the government extradite persons who are charged with trafficking in other countries?

Paraguay has a multi-lateral extradition treaty with Mercosur countries and bi-lateral extradition treaties with the United States, Argentina, Canada, Chile, Colombia, Costa Rica, Ecuador, Peru, Uruguay, and Venezuela. The Penal Code allows Paraguayans and foreign nationals who are charged with trafficking in other countries to be extradited. However, no Paraguayans or foreign nationals have been extradited for TIP offenses.

¶J. Is there evidence of government involvement in or tolerance of trafficking, on a local or institutional level?

There were reports that public officials, including political figures, border guards, police, prosecutors, judges, or other officials, participated in, facilitated, or condoned human trafficking. There were several reports that officials accepted bribes directly or indirectly to facilitate trafficking in persons. Prosecutors from the Public Ministry and the National Police supported the efforts of the SMPR, SNNA, and SEDERREC to combat trafficking. However, prosecutors and the police neither investigated nor prosecuted public officials allegedly involved in trafficking or removed them because they lacked the resources and political will to prosecute government officials.

¶K. If government officials are involved in trafficking, what steps has the government taken to end such participation?

Despite reports of involvement by government officials in trafficking, the Public Ministry has not investigated these allegations. As such, the government has not taken steps to end such participation.

¶L. For countries that contribute troops to international peacekeeping efforts, please indicate whether the government has vigorously investigated, prosecuted, convicted and sentenced nationals of the country deployed abroad.

The Paraguayan military has deployed a platoon of 31 peacekeepers to Haiti under MINUSTAH, a squad of 15

peacekeepers to Cyprus, and several officers to Africa. The military is currently preparing a 136-member unit to conduct peacekeeping under the United Nations Peace Keeping Operation Initiative. The military conducted police and military background checks on all soldiers before allowing them to join the unit. The Paraguayan government has not had any incidents of Paraguayans deployed abroad requiring investigation, prosecution, conviction, or sentencing.

¶M. If Paraguay has an identified child sex tourism problem, how many foreign pedophiles has the government prosecuted or deported/extradited to their country of origin?

There is no identified child sex tourism industry in Paraguay. However, child sex tourism does occur, and Paraguay has several locations where foreign pedophiles are known to frequent such as bus terminals. The government has

not prosecuted, deported, or extradited any foreign pedophiles.

¶4. (SBU) Paraguay's activities to protect and assist TIP victims:

¶A. Does the government assist foreign trafficking victims?

The government provides limited assistance to foreign trafficking victims, notably Bolivians trafficked internationally through Paraguay. However, the government concentrates its efforts on aiding Paraguayans who are victims of international trafficking.

¶B. Does Paraguay have victim care facilities which are accessible to trafficking victims?

Children, adolescents, and women who are trafficking victims receive limited medical, psychological, and legal services. Some victims also receive shelter, meals, and transportation.

Because their resources are limited, the Public Ministry, Foreign Ministry, SEDERREC, SMPR, and SNNA can only assist up to 100 trafficking victims at a time and only for a limited period of time. SEDERREC, SMPR, and SNNA help victims return to their families; SNNA places some child and adolescent victims in foster homes. The government does not follow up with victims once they return to their families.

SMPR, with USG assistance, opened a new shelter in December 2007 for women who are victims of trafficking, the first of its kind in Paraguay. The shelter can accommodate up to 18 women. Although it does not operate a shelter, the NGO Kuny Aty provided assistance to women who were trafficking victims in Asuncion and Villarrica.

SNNA places child and adolescent trafficking victims in various victim care facilities and foster homes. The NGO CEAPRA manages a children's shelter directly supported by the SNNA in Ciudad del Este. The Ministry of Health and Social Welfare operates three homes for abused children and orphans in Asuncion. The Paraguayan Network for Human Development (REPADEH) chaired by First Lady Gloria Penayo operates two children's homes in Asuncion. In many cities, the Municipal Council for Children's Rights (CODENI) runs shelters and assists abused and neglected children. Catholic and other religious organizations operate children's shelters in Asuncion, Encarnacion, and Villarrica. NGOs Kuna Aty in Asuncion and the Integral Attention Service for Adolescents (SAIA) also assist abused children.

¶C. Does the government provide funding or other forms of support to foreign or domestic NGOs and/or international organizations for services to trafficking victims?

SNNA provides funding and support to CEAPRA. The SMPR provides some support to Kuna Aty to assist women who are trafficking victims.

¶D. Do the government's law enforcement, immigration, and social services personnel have a formal system of proactively identifying victims of trafficking among high-risk persons with whom they come in contact?

The government's law enforcement, immigration, and social services personnel do not have a formal system of proactively identifying trafficking victims. Immigration and customs officials at ports of entry, particularly at land border

crossings, are neither equipped with appropriate tools nor trained in techniques to identify traffickers or their victims. Most land-based ports of entry are patrolled by fewer than four police officers or immigration and customs officials who frequently allowed traffic to pass through borders without conducting identification and document checks. The Paraguayan government relies heavily on Argentine and Brazilian immigrations and customs officials to monitor international border crossings, although they too have been ineffective in identifying and stopping human

traffickers and their victims.

1E. Does the government have a mechanism for screening for trafficking victims among persons involved in the legal/regulated commercial sex trade?

Local police and municipal authorities in Asuncion, Ciudad del Este, and Encarnacion screen potential trafficking victims in the local commercial sex trade. The authorities refer potential victims to the SMPR, SNNA, or NGOs, including CEAPRA, for assistance. However, many victims are trafficked internationally without any prior association with the commercial sex trade.

1G. Does the government encourage victims to assist in the investigation and prosecution of trafficking?

The government encourages victims to file complaints against traffickers and assist in the investigation and prosecution of traffickers. However, many victims avoid the legal process for fear of potential retaliation by traffickers and social stigma surrounding their victimization. The TIP prosecutor noted that she had received no reports of human trafficking as of January 2008 in Pedro Juan Caballero, a major transit point for many types of trafficking, and she noted that this was likely due to victims' fear of reprisal.

1H. What kind of protection is the government able to provide for victims and witnesses?

The government had a limited ability to protect victims and witnesses. Shelters that accept trafficking victims offer them limited protection and do not have appropriate security mechanisms to protect victims from possible retaliation. Police officers and prosecutors rarely provide personal protection to victims or witnesses. Victims who return to their homes -- often to the same community from which they were trafficked -- receive no further government protection.

1I. Does the government provide any specialized training for government officials in identifying trafficking victims and in the provision of assistance to trafficked victims?

The government does not provide specialized training for government officials in identifying trafficking victims. However, the SMPR conducted several courses for the police, health care workers, prosecutors, and others in assisting trafficking victims. The Public Ministry's human trafficking intervention manual provides written guidance on identifying and assisting trafficking victims.

1J. Does the government provide assistance to its nationals who are repatriated as victims of trafficking?

SEDERREC repatriates trafficking victims to Paraguay and provides them with limited legal, medical and psychological assistance. The agency attempts to place repatriated victims with their families. When unsuccessful, the agency refers child and adolescent victims to shelters or foster homes and women to the new women's shelter for trafficking victims.

1K. Which international organizations or NGOs work with trafficking victims?

Many international organizations and NGOs that participate in the government's inter-institutional roundtable cooperate with local authorities to combat TIP and assist trafficking victims. IOM, which opened an office in Asuncion in November 2007, provides limited support and counseling to trafficking victims. Kuna Aty assists women who are victims in Asuncion and Villarrica; the NGO Women's November 25th Collective assists women in Asuncion. CEAPRA operates a children and adolescents' shelter in Ciudad del Este. The NGO Grupo Luna Nueva operated a shelter in Asuncion for child and adolescent

trafficking victims until November 2007, when the SNNA ended financial support. Grupo Luna Nueva continues to offer limited victims' assistance to 12 trafficking victims. Kuna

Aty assists children in Asuncion; SAIA in Villarrica.

15. (SBU) Paraguay's activities to prevent TIP:

1A. Does the government acknowledge that trafficking is a problem in Paraguay?

Yes, the government acknowledges that trafficking is a problem in the country.

1B. Are there government-run anti-trafficking information or education campaigns conducted during the reporting period?

The inter-institutional roundtable frequently conducts anti-trafficking seminars in Greater Asuncion, Caacupe, and in Ciudad del Este during the reporting period. The SMPR sponsors programs focused on supporting education and job training for women and adolescent girls. The SNNA sponsors programs to combat child and adolescent labor, including programs to protect children and adolescents from forced labor. The government also works with international organizations such as IOM, ILO, and UNICEF to publish reports on trafficking and labor abuses in Paraguay. IOM, with USG funding, conducted a TIP awareness campaign in the Tri-Border Area in 2006 and 2007 designed to discourage involvement in the commercial sex industry.

1C. What is the relationship between government officials, NGOs, other relevant organizations and other elements of civil society on the trafficking issue?

Government officials, particularly those involved in the inter-institutional roundtable, generally have a cordial relationship with anti-TIP international organizations and NGOs. The government provides limited support to NGOs and other organizations, most notably CEAPRA and Kuna Aty; it generally does not obstruct non-governmental efforts to combat TIP. The government also provides information to NGOs such as Global Infancia and the Center for the Study of Children and Adolescents (CENIJU) to help them research and advocate TIP issues.

International organizations such as the IDB provide financial support to the inter-institutional roundtable for its anti-TIP efforts. The IOM and ILO assist the government in researching and analyzing sexual exploitation and forced labor in Paraguay.

1D. Does the government monitor immigration and emigration patterns for evidence of trafficking?

No. Refer to response in 4.D.

1E. Is there a mechanism for coordination and communication between various agencies, internal, international, and multilateral on trafficking-related matters?

The government coordinates its efforts to combat trafficking in persons through its inter-institutional roundtable (refer to response in 2.C). The roundtable meets monthly in Asuncion to coordinate TIP efforts. The roundtable's influence outside Asuncion is limited by its ability to coordinate with field offices around the country.

1F. Does the government have a national plan of action to address trafficking in persons?

SNNA has a national plan to address trafficking in children through the National Commission for the Prevention and Eradication of Childhood Labor and the Protection of Adolescent Labor (CONAETI). SMPR also has a national plan to address women's issues. However, no comprehensive national plan exists to address TIP. The Foreign Ministry publishes an annual compendium that includes the laws, legal codes, decrees, and resolutions related to TIP that serves as a guideline for the inter-institutional roundtable.

1G. What measures has the government taken during the

reporting period to reduce the demand for commercial sex acts?

The government did not take noticeable measures to reduce

demand for commercial sex acts. Instead, the government focused its attention on victim's assistance and prosecuting traffickers. The IOM's 2006-07 trafficking in persons awareness campaign in the Tri-Border Area encouraged potential victims to avoid engaging in commercial sex acts.

¶6. (U) TIP Hero. Post recommends the Center for Attention, Prevention, and Surveillance of Boys, Girls, and Adolescents (CEAPRA) in Ciudad del Este be recognized as a TIP Hero. CEAPRA, which operates a shelter for adolescents who are victims of human trafficking and abuse, has worked closely with the government's Children and Adolescents' Secretariat (SNNA) for many years to assist victims in Ciudad del Este. Ciudad del Este is major trafficking corridor for victims who are trafficked internationally, and those who combat TIP in the area face the potential threat of personal violence by traffickers. CEAPRA receives funding from the SNNA and the Itaipu Binational Authority. CEAPRA has assisted many trafficking victims locally and worked with the SNNA to return victims to their families while operating in a hostile environment under the influence of human traffickers.

¶7. (U) The POC for Post is Political Officer Michael Edwards. His contact information is as follows: 595-21-213-715 (voice), 595-21-214-479 (fax), or edwardsmg@state.gov (e-mail). The POC conducted 60 hours of meetings, writing, and editing. The Regional Legal Advisor's assistant spent five hours assisting the POC with this report. The deputy chief of mission and political counselor each spent three hours reviewing this report.

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